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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,948	05/28/2002	Chin-Chuan Huang	WISP0013USA	9499

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MERRIFIELD, VA 22116

EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2652

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DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,948

Applicant(s)

HUANG ET AL.

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Applicant cannot rely upon the foreign priority papers to overcome any rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites "The flat panel display personal computer of claim 1" in line 1. Claim 1 is not drawn to a computer. Rather, claim 1 is drawn to an optical disk drive module. The computer is merely stated as an intended use of the claimed optical disk drive module.

Claim 8 is rejected as indefinite by virtue of its dependency from an indefinite claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Farrow et al (US Pat. No. 6680843 B2).

As recited in claim 6, Farrow et al show a flat panel display personal computer 11 comprising: a flat panel display 17; and a computing module 13 disposed on a rear side of the flat panel display and coupled to the flat panel display.

As recited in claims 1 and 6, Farrow et al show an optical disk drive module (see Figs. 24-25 and 30-32) disposed at the rear side of the flat panel display for lifting up and lowering a disk drive 103, the optical disk drive module comprising: a chassis module 21 disposed at the rear side of the flat panel display; and a drive carrier 107 rotatably ("rotating", see col. 7, line 7) disposed in the chassis module for positioning the disk drive; wherein when the drive carrier 107 swings away from the chassis module (see Figs. 24-25), the optical disk drive module will lower the disk drive to expose ("actuation of the rotating device reveals the component to the user", see col. 7, lines 10-12) the disk drive below the flat panel display; and when the drive carrier moves toward the chassis module (see Fig. 1), the optical disk drive module will lift up the disk drive to position the disk drive at the rear side of the flat panel display ("hidden from view or inaccessible", see col. 7, line 10).

7. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Lan (US Pat. No. 6657857 B2).

As recited in claim 4, Lan shows an optical disk drive module (see Fig. 2) installed in a flat panel display personal computer (intended use) for lifting up and lowering a disk drive, the flat panel display personal computer comprising a flat panel display (intended use), the optical

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disk drive module comprising: a chassis module 2 (see Fig. 3) disposed at a rear side of the flat panel display; a drive carrier 3 (see Fig. 4A) rotatably disposed in the chassis module; and a cover 5 fixed outside of the disk drive and slidably ("module 5 is slidable within the seat 3 along the lower and upper rail units 35,36, and is formed with an optical-disk chamber 50 and a floppy-disk chamber 51", see col. 2, lines 57-60) fastened within the drive carrier 3 so as to position the disk drive (within 50 or 51) in the drive carrier; wherein when the drive carrier swings away from the chassis module, the optical disk drive module will lower the disk drive to expose (see solid lines in Fig. 2A) the disk drive below the flat panel display; and when the drive carrier moves toward the chassis module, the optical disk drive module will lift up the disk drive (see dot-dash lines in Fig. 2A) to position the disk drive at the rear side of the flat panel display.

8. Applicant cannot rely upon the foreign priority papers to overcome any rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Double Patenting

9. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

10. Claims 7 and 8 objected to under 37 CFR 1.75 as being a substantial duplicate of claims 2 and 3, respectively. When two claims in an application are duplicates or else are so close in

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content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Allowable Subject Matter

11. Claims 2-3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2-3: The prior art of record neither shows nor suggests that the “axis of rotation” of Farrow et al (US Pat. No. 6680843 B2) col. 7, line 13, comprises protruded portions of side plates of the drive carrier inserted into apertures of side plates of the chassis module, in combination with positioning hooks of the drive carrier. Although Lan (US Pat. No. 6657857 B2) shows “horizontal pivot pin (P)” (see col. 2, lines 44-45), the prior art of record is devoid of motivation to apply this pivot pin to the module of Farrow et al.

Regarding claim 5: The prior art of record neither shows nor suggests a first gearwheel disposed on an inner wall of the first side plate of a chassis module; and a second gearwheel disposed on an inner wall of the second side plate of a chassis module facing the first gearwheel, the first and second gearwheels having effectively equal radii D1; and a first gear disposed at one end of the first side plate for engaging with the first gearwheel; and a second gear disposed at one end of the second side plate opposing the first gear for engaging with the second gearwheel, the first and second gears having effectively equal radii D2 which is larger than D1; in combination with positioning hooks positioned at an upper end of the side plates, wherein the

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cover comprises: a cover body having positioning slots for receiving the positioning hooks so as to fasten the cover within the drive carrier. Although Farrow et al (US Pat. No. 6680843 B2) show a similar gear structure, the prior art of record is devoid of motivation to apply this particular gear structure to the module of Lan (US Pat. No. 6657857 B2).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wooden et al (US Pat. No. 6445576 B1) show a tilt mounted hard drive bay (see Figs. 2-3). Olson et al (US Pat. No. 6519138 B1) shows a modular logic board chassis for a desktop computer (see especially hard disk drive 40 in Fig. 3).

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Sat & Mon until 9PM, Wed & Fri until 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2652

April 5, 2004
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a stylized, cursive script.